

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Willy Kiwewa,	)	
	)	
Plaintiff,	)	Case No. 1:15-CV-815
	)	
vs.	)	
	)	
Megan Brennan, Postmaster General,	)	
United States Postal Service,	)	
	)	
	)	
Defendant.	)	

**ORDER**

Plaintiff Willy Kiwewa filed a pro se complaint alleging that he was fired from his probationary employment with the United States Postal Service because of his national origin. The Postmaster General filed a motion to dismiss Plaintiff's complaint on the grounds that he failed to exhaust administrative remedies before filing suit in federal court. Doc. No. 7. Magistrate Judge Litkovitz issued a Report and Recommendation (Doc. No. 13) which concluded that Plaintiff did exhaust his administrative remedies because he pursued administrative appeals of his termination all the way through to the Equal Employment Opportunity Commission ("EEOC"). Judge Litkovitz also concluded that Plaintiff was permitted to file his federal complaint, and that it was timely, because he filed it more than 180 days after he filed his EEOC appeal, but before the EEOC issued a final decision on the appeal. Judge Litkovitz, therefore, recommended that the Postmaster General's motion to dismiss be denied.

The Postmaster General did not file objections to Magistrate Judge Litkovitz's Report and Recommendation. Having reviewed the report de novo pursuant to Fed. R. Civ. P.

72(b), the Court concludes that it is correct in all respects. Accordingly, the Court **ADOPTS** the Report and Recommendation. The Postmaster General's motion to dismiss is not well-taken and is **DENIED**.

**IT IS SO ORDERED**

Date July 5, 2016

\_\_\_\_\_  
s/Sandra S. Beckwith  
Sandra S. Beckwith  
Senior United States District Judge